

## Marquess, Scott

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**From:** Marquess, Scott  
**Sent:** Tuesday, May 28, 2013 10:06 AM  
**To:** Darrel Plummer  
**Cc:** Jonathan Haynes; Dan Clair; Cathy Tucker-Vogel; Brune, Doug; Patti Croy  
**Subject:** DW Enforcement meeting summary

Darrel,

Thanks for taking the time to meet last week. The discussion was most helpful for me. As I indicated in the meeting, here is a summary of some of the highlights/Action Items from our discussion that I captured:

EPA to resolve enforcement status of Pretty Prairie and communicate with KDHE;

EPA to draft letter requesting formal KDHE enforcement actions at ETT priority PWSs (especially at PWS where ETT>10 for 6+ months);

KDHE to incorporate the following information into ETT quarterly reports:

- Add estimated completion dates for all PWSs where AOs are pending;

- Clarify/organize report to indicate which systems are purchasing water and which are parent/suppliers to other PWSs;

- Clarify/organize report to indicate PWSs that are participating in PWWSD#23 study;

- Report compliance status of all PWSs where active enforcement orders are in place

KDHE to discuss/resolve status of PWSs where “work is underway / no order in place”. KDHE believes these PWSs are “On the Path”, however, per the ERP, since these systems have no formal enforcement order in place, they are defined as “Not on Path” per the ETT.

Please let me know if you have any revisions to this list, or if there’s anything that I missed.

Thanks  
Scott  
913 551-7131

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**From:** Darrel Plummer [mailto:DPlummer@kdheks.gov]  
**Sent:** Wednesday, May 22, 2013 6:43 PM  
**To:** Marquess, Scott  
**Cc:** Jonathan Haynes; Dan Clair; Cathy Tucker-Vogel; Mike Tate; Don Carlson; Brune, Doug; Jim Taft  
**Subject:** Discuss ETT status issues w/ Scott

Scott,

*“Other than Pretty Prairie, I would just like clarification on the plan for enforcement at these PWSs.” (your quote.)*

I believe KDHE turned the enforcement for Pretty Prairie over to EPA years ago. It’s hard to get too excited about taking action against systems under 1,000 population with MCL violations, and harder for me to justify such action, as long as EPA allows a community of over 600 with an acute nitrate violation, (latest nitrate level 18.6 mg/L), to continue to languish on the EPA Drinking Water compliance/enforcement action listing without any action being initiated by EPA.

One of KDHE's most recent actions was to Timken, KS, a community of less than 75 people with combined uranium levels averaging between 30-32 ug/L. Considering the cost of treatment, at this point Timken's best option may be to cost/share the drilling of individual private water wells, provided they could find financing for such a program, and get out of the public water supply business. Such a solution won't help public health but it will take them off the ETT list.

The majority of these systems realize they have compliance problems; it is not that they don't want to comply, in most cases they just don't have the resources necessary to properly address the issue. Providing these systems with grants to build the necessary infrastructure or treatment does not help them when they don't even have the resources to maintain their current infrastructure and treatment let alone any additional.

That all said...we have got to find better, less costly, solutions to bring these small aging/dying communities into compliance with drinking water rules...or just decide to ignore them, like Pretty Prairie, until the communities just fade away.

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**From:** Marquess, Scott [<mailto:Marquess.Scott@epa.gov>]  
**Sent:** Wednesday, May 22, 2013 5:22 PM  
**To:** Darrel Plummer  
**Cc:** Jonathan Haynes; Patti Croy; Cathy Tucker-Vogel; Brune, Doug  
**Subject:** RE: Discuss ETT status issues w/ Scott

Darrel,

Attached is a summary I assembled several weeks ago based on your Q1 responses to the ETT list. It's a little out of date, and does not reflect anything on the April ETT.

The summary has the following headers, and it would probably be good to tackle each of them as follows:

**AO in Process** – Would like to confirm AOs that have been issued. Might be good to get effective dates, but I can get that from SDWIS

**AO Proposed – Date???** – Would like to know the schedule for issuing AOs to systems where AOs are pending per the ETT response.

**Work Underway – No Order** – I think these are systems where KDHE believes that the PWS is "On the Path" and that work is adequately progressing, however, there is no Order in place. We should discuss how to proceed with these systems and determine whether any EPA action is warranted or may be beneficial.

**Status Unclear** – Other than Pretty Prairie, I would just like clarification on the plan for enforcement at these PWSs.

**RTC** – Probably no need to discuss these systems, unless there's something you think we should talk about.

See you tomorrow morning. FYI, Doug will be joining me.

Thanks  
Scott